IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48050 of 2008
RITURAJ GUPTA … … Petitioner
Versus
THE STATE OF BIHAR … … Opp. Party
For the petitioner: Shri Braj Nandan Tiwary
For the State: Shri Dashrath Mehta, APP
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2. 26.11.2008 Heard.

The earlier prayers for bail of the petitioner were rejected twice and the petitioner approached the lower court and the lower court also rejected the prayer for bail by its order dated 21.10.2008, hence the present petition.

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The informant of the case, Hari Prasad and all his family members who were cited as witnesses in the chargesheet have been examined and they did not support the prosecution charges. The learned Judge had mentioned that the I.O. and Doctor were to be examined along with the family members but the fact is that all the family members have been examined after passing of the impugned order by the learned Judge, F.T.C.Vth, Gaya. In that view, the Court may be awaiting only the examination of the I.O. and the Doctor.

There is a Standing Order of this Court that in case the material witnesses going hostile, not supporting the charges, the court could never be awaiting for examination of the official witnesses, like, the I.O. and the Doctor.

At any rate, considering that the material witnesses have gone hostile, let the petitioner Rituraj Gupta be released on his furnishing a bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge, Fast Track Court-V, Gaya, in Sessions Trial No.33 of 2007 arising out of Kotwali P.S.Case No. 192 of 2006, subject to the condition that even if there is no hearing on a particular date, the petitioner shall have to remain physically present before the court.

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(Dharnidhar Jha, J>)

Kanth